

United States District Court
for the
Western District of New York

United States of America

v.

Case No. 20-MJ-0681

SHAKELL SANKS,

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief:

On or about May 30, 2020, in the County of Monroe, in the Western District of New York, **SHAKELL SANKS**, did knowingly and unlawfully commit arson , in violation of Title 18, United States Code, Sections 844(i) and 2 (arson).

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.


Complainant's signature

ATF SPECIAL AGENT STACEY L. HULL
Printed name and title

Affidavit and Criminal Complaint submitted electronically by email in .pdf format. Oath administered, and contents and signature, attested to me as true and accurate telephonically pursuant to Fed.R.Crim.P. 4.1 and 4(d) on:

Date: July 8, 2020


Judge's signature

City and State: Rochester, New York

HONORABLE MARK W. PEDERSEN
UNITED STATES MAGISTRATE JUDGE
Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

20-MJ-0681

SHAKELL SANKS,

Defendant.

State of New York)
County of Monroe) ss:
City of Rochester)

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

STACEY L. HULL, being duly sworn, deposes and says:

1. I am a Senior Special Agent (“SA”) with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms, & Explosives (“ATF”), and I am assigned to the Rochester, New York Field Office. Accordingly, I am the kind of Special Agent delineated in Title 18, United States Code, Section 3051.

2. I am a graduate of the Criminal Investigator School and the ATF National Academy, both located at the Federal Law Enforcement Training Center in Glynco, Georgia. I have been employed as an ATF Special Agent for approximately four years. As part of my professional experience, I have participated in state and federal investigations involving the illegal possession of firearms, narcotics, and violations of federal laws to include Titles 18 and 26, United States Code and am familiar with various federal arson laws. Previously, I was

employed by the Town of Gates Police Department in Rochester, New York for approximately six years. I earned a Master of Arts Degree in Forensic Psychology from the Chicago School of Professional Psychology in 2014. I also received a Bachelor's Degree in both Psychology and Criminal Justice from Roberts Wesleyan College in 2009. I have participated in the service of state search and seizure warrants and have seized or assisted in seizing contraband including firearms, ammunition, documentary evidence, and contraband.

PURPOSE OF AFFIDAVIT

3. This affidavit is submitted in support of a criminal complaint which alleges there is probable cause to believe that on or May 30, 2020, in the City of Rochester, County of Monroe, Western Judicial District of New York, the defendant, SHAKELL SANKS (hereinafter SANKS), did violate Title 18, United States Code, 844(i) and 2 (arson).

4. The assertions made herein are based upon my personal knowledge and upon information that I have received from this investigation, including to but not limited to the review of police reports and discussions with other law enforcement agents and officers, all of which are true and correct to the best of my knowledge and belief. Since this affidavit is being submitted for a limited purpose, I have not included each and every fact that I know concerning this investigation. Rather, I have set forth only those facts that relate to the issue of whether probable cause exists to believe that the defendant committed the above-mentioned offenses. In support thereof, I respectfully state the following:

PROBABLE CAUSE

5. On May 30, 2020, protests were scheduled at the Public Safety Building (PSB), 185 Exchange Boulevard, City of Rochester, Western Judicial District of New York, in response to the death of George Floyd in Minneapolis, Minnesota. During the evening, the protests turned violent resulting in damaged property, looting, and fires.

6. At the time of the protests, a white Ford Focus with New York registration AE5736 and VIN 1FAHP3EN6BW122355 owned by City of Rochester Family Crisis Intervention Team (hereinafter known as “FACIT CAR”) was parked in the vicinity of 144 Exchange Boulevard on the evening of May 30, 2020. FACIT CAR was marked with City of Rochester logos on the outside of the vehicle and also had City of Rochester license plates. Facebook Live video posted by an individual with the initials W.G. recorded much of the riot. At approximately 1 hour and twenty-eight minutes into the Facebook Live video, a male in a white t-shirt, later identified as SANKS, assisted others in attempting to light fabric on fire. The fabric was stuffed into the gas tank of the FACIT CAR. See the photograph below.



7. Photographs also captured the same male in a white t-shirt, later identified as SANKS, with a black female wearing grey pants and a black t-shirt, reaching inside the upside down FACIT CAR. See the below photograph. Nearby surveillance footage appears to have captured the moment the photograph was taken. At approximately 6:18 p.m., the surveillance camera shows two individuals wearing similar clothing and in the same area at the vehicle. At approximately 6:19:08 p.m., the camera shows a male kneel down to take a photograph of the two individuals at the car. At approximately 6:20:30 p.m., FACIT CAR began to smoke and shortly thereafter became engulfed in flames.



8. A photograph of SANKS was released to the public in an attempt to identify him. On or about June 12, 2020, investigators received a tip that SANKS was the individual in the photographs on the news. On June 29, 2020 investigators met with the citizen and conducted a confirmatory identification procedure.

9. On or about July 3, 2020, SANKS was arrested by members of the Rochester Police Department. At approximately 12:10 p.m., RPD Investigator Nicholas Mazzola and Investigator Matthew Klein spoke with SANKS at the PSB. SANKS was advised of his Miranda warnings and agreed to waive his rights and speak with the investigators. During the recorded interview, SANKS admitted to being at the riots and at the FACIT CAR. He also identified himself in a photograph from the scene. Initially, SANKS said he was fanning

the fire in an attempt to put the fire out. As the interview progressed, SANKS continued to deny setting the fire but did admit to helping the fire burn. While speaking with SANKS, the investigators were able to view SANKS' tattoos and confirmed that they were consistent with the tattoos on the individual depicted in the photograph above.

10. Due to the violence and rioting the night of May 30, 2020, FACIT CAR was towed away from the PSB and secured at the city of Rochester's Equipment Services Facility located at 945 Mount Read Boulevard. At this location, fire investigators conducted their investigation. After direct examinations and review of supportive video/photographic evidence, fire investigators concluded the damage to the vehicle was incendiary; intentionally set fires, set by human hands. The fire damage of FACIT CAR was a total loss as the car was engulfed in flames and completely burned.

11. Based on information provide to me, FACIT CAR is the property of the Rochester Police Department and the City of Rochester government. Both the Rochester Police Department and the City of Rochester government conduct business in interstate commerce, for instance by purchasing vehicles and other equipment and supplies in interstate commerce. The activities of the Rochester Police Department and the City of Rochester government in enacting and enforcing laws of the state of New York affect interstate commerce.

CONCLUSION

12. Based upon the above information, I submit that there is probable cause to believe that on May 30, 2020, in the City of Rochester, County of Monroe, Western Judicial District of New York, the defendant, SHAKELL SANKS did commit a violation of Title 18, United States Code, 844(i) and 2 (arson).



STACEY L. HULL
Special Agent
Bureau of Alcohol, Tobacco, Firearms,
and Explosives

Affidavit and Criminal Complaint submitted electronically by email in .pdf format. Oath administered, and contents and signature, attested to me as true and accurate telephonically pursuant to Fed.R.Crim.P. 4.1 and 4(d) on this 8 day of July 2020.



HON. MARK W. PEDERSEN
United States Magistrate Court Judge